IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9738 of 1999

Dated: 11-04-2007

Between:

1. P. Madhav, s/o late P.Balaiah and another.

... Petitioners

and

Government of Andhra Pradesh, rep. by Director,
Archeology and Museums, Hyderabad.

... Respondent

ORDER:

This writ petition is filed seeking a *mandamus* to direct respondents to act in accordance with law and forbear from interfering with the possession and enjoyment of petitioners in respect of the land in Sy.No.414/1 of Malkajgiri village, Mandal, Rangareddy District.

2. Facts, in brief, are: Petitioners father, namely, P. Balaiah, was protected tenant of the agricultural land admeasuring Acs.13-38 guntas in Sy.No.414/1 situated at Malkajgiri Mandal, Rangareddy

District, which was an inam land under the provisions of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1954 (for short, 'the Act'). On an application, petitioners father was given Occupancy Certificate under the Act,

in respect of the land in question, by the Revenue Divisional Officer, Chevella in File No.A1/1225/1975 dated 28-02-1980. The Mandal Revenue Officer, Malkajgiri vide proceedings dated 27-09-1995 granted mutation on the strength of the said Certificate. Against the order granting Occupancy Certificate, respondent preferred appeal before the Joint Collector, Rangareddy District and the Joint Collector disposed of the appeal vide proceedings dated 02-05-1995 to the effect that the appeal is allowed in respect of the land in Sy.Nos.416/1 and 417/1 as regards an extent of Acs.7-07 guntas and Acs.14-12 guntas of Malkajgiri village and no finding is recorded in respect of the land in question. According to petitioners, the officials of respondent came to the land in question on

26-04-1999 for taking measurement and for errection of fencing on the ground that it is a protected area, and they are also threatening to dispossess them without any authority of law.

3. A detailed counter affidavit is filed wherein it is stated that the certificate obtained by petitioners father from the Revenue Divisional Officer, Chevella without the knowledge of the Archeology department is void and *non-est* in law. It is further stated in the counter affidavit that as early as in the year 1975 itself by way of a joint inspection conducted by the revenue officials and the officials of Archeology Department, the entire land in an extent of Acs.42-03 guntas situated in Sy.Nos.414/1, 415/1, 416/1 and 417/1 of Malkajgiri village is identified as Historical Ancient Monuments. It is also stated that the subsequent proceedings of the revenue department without noticing

the earlier joint inspection conducted by them shall be regarded as illegal and not valid.

4. Heard leaned counsel for the parties.

5. In the light of the stand taken by respondent that the land in question is identified as Historical Ancient Monument, in my considered view, the contention of petitioners that their father was given Occupancy Certificate in respect of the land in question, cannot be accepted. Accordingly, I see no merits in this writ petition.

6. In the result, the writ petition is dismissed. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.11-04-2007
GLV